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REED ELSEVIER, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, INC., Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXIS INC. and DOES 1 through 200 inclusive, Defendants.	No. C 05 3515 MHP **DEFENDANTS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE PURSUANT TO FEDERAL RULE OF EVIDENCE 201(d)** Date: October 31, 2005 Time: 2:00 p.m. Courtroom: 15 Judge: Honorable Marilyn H. Patel Complaint Filed: July 29, 2005

Pursuant to Federal Rule of Evidence 201(d), defendants Martindale-Hubbell and Lexis/Nexis, divisions of Reed Elsevier, Inc. (collectively "Defendants"), hereby request that the Court take judicial notice of the additional documents and pleadings listed below.

Under Rule 201, judicial notice is mandatory if requested by a party who supplies the Court with the necessary information, and the facts requested for notice are "not subject to reasonable dispute" in that they are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." As discussed below, each of the documents for which Defendants seek judicial notice are either publicly filed documents or documents from a reliable source that may be confirmed by research on the internet. As such, the contents of the matters below are not "subject to reasonable dispute" under Rule 201(b) of the Federal Rules of Evidence.

"The most frequent use of judicial notice of ascertainable facts is in noticing the contents of court records." GE Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1082 (7th Cir. 1997) (quoting C. Wright & K. Graham, Jr., Federal Practice & Procedure, 21 Evid. § 5106, at 505 (1st ed. 1977 & Supp. 1997)). A court may properly take judicial notice of schedules and other documents filed in a related action. Frierdich v. Mottaz, 294 F.3d 864, 870 (7th Cir. 2002).

Pages printed from websites available to the public have also been matters accepted for judicial notice. Wible v. Aetna Life Inc. Co., 375 F. Supp. 2d 956, 965-966 (C.D. Cal. 2005); Hall v. Virginia, 385 F.3d 421, 424 n.3 (4th Cir. 2004), cert. denied, 125 S. Ct. 1725 (2005).

Pursuant to Rule 201, and other supporting authority, Defendants hereby request that the Court take judicial notice of the following matters:

1. A true and correct copy of the Declaration of Debra Kamys executed on August 18, 2005, in Portland, Oregon, and filed in the action, *Reed Elsevier, Inc. v. Inherent.com, Inc. a/k/a Inherent, Inc., Docket No. 05-4048 (JLL)* (the "New Jersey Federal Action") in connection with Inherent, Inc.'s opening memorandum and Motion to Dismiss for Improper Venue and Lack of Personal Jurisdiction is attached hereto as **Exhibit A**.

2. On or about September 12, 2005 Reed Elsevier, Inc. filed an Memorandum of Law in Opposition to Defendant's Motion to Dismiss or, in the alternative, Transfer the Action ("Opposition"), and other related papers. A true and correct copy of such Opposition (without related declarations and exhibits) is attached hereto as **Exhibit B**.

3. On September 27, 2005, the Court in the New Jersey Federal Action denied Inherent, Inc.'s motion for admission pro hac vice of its counsel, Patrick Catalano and Jannick Catalano. In its order, the Court noted that: "The Court has sufficient questions with regard to the affidavits submitted by defendants to deny the motion without prejudice to a later application." A true and correct copy of the Court's order is attached hereto as **Exhibit C**.

4. Records from the website of Inherent, Inc. located at www.inherent.com as the website appeared on October 11, 2005. Attached hereto as **Exhibit D** is a true and correct copy of certain pages from Inherent, Inc.'s website printed on October 11, 2005. See also, Supplemental Declaration of Fernando Marinez submitted concurrently herewith, ¶ 3.

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5. On October 13, 2005, United States Magistrate Judge Ronald J. Hedges denied Inherent, Inc.'s motion to dismiss or, in the alternative, transfer venue to California or Oregon in the New Jersey Action. In Judge Hedges' ruling, he found that personal jurisdiction could be asserted against Inherent, Inc. in New Jersey, and noted that "Inherent's relocation appears to be no more than an ingenious 'forum shopping' attempt." A true and correct of Judge Hedges' October 13, 2005, decision is attached hereto as **Exhibit E**.

DATED: October 17, 2005

SHARTSIS FRIESE LLP

By: */s/ Zesara C. Chan*
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